

Landlord and Tenant (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Construction of Act.
 3. Interpretation.
 4. Claims for increased rent in certain cases to be settled by arbitration.
 5. Arbitration.
 6. Appointment of standing umpire.
 7. Remuneration of standing umpire.
 8. Notice to quit to state the grounds why the same is given.
 9. Stamp duty on notices to quit to be 1*l*.
 10. Provisions of section 31 of the Landlord and Tenant (Ireland) Act, 1870, as to rules to extend to purposes of Act.
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Provide for the equitable settlement of Rent in certain cases of difference between Landlords and Tenants in Ireland, and to make better provision as to Notices to Quit; and for other purposes. A.D. 1878.

WHEREAS it is expedient to promote the continuous occupation of holdings in Ireland, as far as may be, by the same tenants, and for such purpose to make provisions such as are in this Act contained with respect to the settlement by arbitration of disputed claims for increased rent, and with respect to notices to quit:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Landlord and Tenant (Ireland) Act, 1878." Short title.

2. This Act and "The Landlord and Tenant (Ireland) Act, 1870," and the Acts amending the same, shall be construed together as one Act. Construction of Act.

3. In this Act—

The expression "Lord Chancellor" shall mean Lord Chancellor of Ireland, and shall include Lords Commissioners and Lord Keeper of the Great Seal of Ireland. Interpretation.

20 The expression "Supreme Court" shall mean the Supreme Court of Judicature in Ireland.

The expression "prescribed" shall mean prescribed by any rules made in pursuance of this Act.

4. Where the landlord of any holding to which this section applies is desirous that the tenant of such holding should not be Claims for increased rent in
[Bill 218.] A 2

A.D. 1878.

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certain cases
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tion.

disturbed, but should continue in occupation of the same, subject to the payment of an increased rent to be settled in the manner provided by this Act, then and in every such case the landlord may, in the prescribed manner, serve upon the tenant a notice in the prescribed form (in this Act referred to as a "notice to treat"), 5 setting forth the increased rent claimed by the landlord in respect of such occupation, and requiring the tenant, within *two months* after service of the notice to treat, to serve upon the landlord a reply thereto in the prescribed form, stating whether he is willing or not to pay the increased rent mentioned in the notice to treat. 10

In case the tenant fails, within such period of two months after service of the notice to treat, to serve upon the landlord such reply as aforesaid, then and in every such case the notice to treat shall operate as a notice to quit such holding unless the same be held for the unexpired residue of a term of years, and shall, as from the 15 date of the service thereof, have all and the like effect as if the same had been a notice to quit such holding.

In case the tenant serves upon the landlord within such period of two months a reply in the prescribed form agreeing to pay the increased rent specified in such notice to treat, then and in every 20 such case the rent thereafter payable in respect of such occupation shall be such increased rent until altered by agreement, or in manner by this Act prescribed, or until the tenancy be determined.

In case the tenant serves upon the landlord within such period of two months a reply in the prescribed form refusing or not agreeing 25 to pay the increased rent specified in the notice to treat, then and in every such case a dispute as to the amount of the increase (if any) in the rent then payable by the tenant shall be deemed to have arisen between the landlord and tenant, and such dispute shall be settled by arbitration under this Act. 30

This section shall apply only to holdings which are agricultural or pastoral in their character, or partly agricultural and partly pastoral, and which are held upon tenancies determinable by notice to quit, or for terms of years whereof not more than *eighteen* 35 months are unexpired.

Any increase of rent payable in pursuance of a notice to treat shall commence to be paid, in the case of a holding held for the unexpired residue of a term of years, from and after the expiration of such term of years, and in every other case from and after the gale day which shall occur next after the expiration of *six months* from the 40 date of the service of the notice to treat.

Arbitration.

5. Arbitrations under this Act, shall be conducted in manner directed by The Railways Clauses Consolidation Act, 1845, and for

this purpose the sections of the said Act with respect to the settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that the person to act as umpire shall be the standing umpire appointed in manner by this Act provided, and that the costs of any proceedings before the standing umpire shall follow the event; and that where two arbitrators under this Act differ on any matter referred to them, they shall forthwith after such difference give notice in the prescribed form of such difference to the standing umpire.

A.D. 1878.

The arbitrator, arbitrators, or standing umpire, when settling the amount of the increase (if any) in the rent of any holding payable by the tenant, shall have regard to the letting value of holdings similarly circumstanced in the neighbourhood of such holding, and to what is fair and reasonable as between the landlord and the tenant under all the circumstances of the case, and may decide whether or not any increase in the rent of such holding shall be payable by such tenant, and the amount of such increase (if any); and such decision shall be binding on the parties, and the rent payable in respect of the occupation of such holding shall be in accordance therewith, until altered by agreement, or in manner by this Act prescribed, or until the tenancy be determined.

6. As soon as may be after the passing of this Act, and from time to time thereafter when necessary for the purpose of appointing a standing umpire or standing umpires to act in execution of this Act, the Lord Chancellor shall convene an Extraordinary Council of the Judges of the Supreme Court, and at every such Extraordinary Council such standing umpire or standing umpires as may then be required shall be appointed by the majority of the Judges then present.

Appointment
of standing
umpire.

There shall at first be only one such standing umpire, but an additional standing umpire or additional standing umpires may, at any time after the first appointment of a standing umpire under this Act, and from time to time thereafter, be appointed by the said Judges in such Council assembled, whenever it appears to them, on the representation of the Lord Chancellor made with the concurrence of the Commissioners of Her Majesty's Treasury, that such additional standing umpire or additional standing umpires is or are required for the due execution of this Act. In case at any time an additional standing umpire or additional standing umpires is or are appointed by the said Judges in manner aforesaid, then and in every such case the said Judges shall divide Ireland into as many districts as there are standing umpires, and shall fix the

A.D. 1878.

districts in which such standing umpires shall have power to act in execution of this Act respectively, and thereupon each standing umpire shall, with respect to the holdings situate in the district assigned to him, be the standing umpire for the purpose of this Act.

The Secretary to the Lord Chancellor shall cause notice of the appointment of every standing umpire (setting forth his name and address) to be published once at least in each of three consecutive weeks in the Dublin Gazette, and in case of there being more than one standing umpire such notice shall specify the district assigned to the standing umpire to which it relates.

Every person appointed to the office of standing umpire in manner aforesaid shall continue in office for *three years* only from the date of his appointment, but shall be eligible for re-appointment.

A standing umpire may at any time be removed from his office by the Lord Chancellor by writing under his hand, but such removal shall be temporary only until confirmed by an Extraordinary Council of the Judges of the Supreme Court, to be convened by the Lord Chancellor as soon as may be after such removal.

If a standing umpire during his term of office dies or resigns, or is removed from office, the Lord Chancellor shall, within *one month* after notice of his death or resignation or removal, convene an Extraordinary Council of the Judges of the Supreme Court for the purpose of the appointment by such council of another person to be a standing umpire; and the person so appointed shall continue in office as long only as the person in whose place he is appointed would have been entitled to continue in office.

If any reference is pending before a standing umpire at the time when he resigns or goes out of office, by effluxion of time or otherwise, it may, on the request in writing of the Lord Chancellor, made within one month thereafter, be proceeded with by him, and his decision shall have the like effect as if he had not resigned or gone out of office; and otherwise every reference pending before a standing umpire when he dies, resigns, is removed, or goes out of office in any manner, shall be deemed to be discontinued.

Remuneration of standing umpire.

7. *The remuneration of a standing umpire shall be such as may be fixed by the Lord Chancellor with the approval of the Treasury, and the same shall be paid out of moneys to be provided by Parliament for that purpose.*

Notice to quit to state the grounds

8. Every notice to quit served after the passing of this Act shall show specifically upon the face of it the grounds or reasons why the same is given, and it shall not be sufficient to state

generally that the landlord seeks to determine the tenancy in exercise of a legal right, and any notice to quit not in accordance with this provision shall be null and void.

A.D. 1878.

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9. *Section fifty-eight of the Landlord and Tenant (Ireland) Act, 1870, shall, with respect to notices to quit to be served after the passing of this Act, be construed as if the amount of the duty the payment of which is by the said section required to be denoted thereon by a stamp were one pound instead of two shillings and sixpence.*

10. The provisions of section thirty-one of the Landlord and Tenant (Ireland) Act, 1870, as the same are amended by the Supreme Court of Judicature Act (Ireland), 1877, shall extend and apply to the making, rescinding, annulling, or adding to rules with respect to the following matters ;

Provisions of
section 31
of the Land-
lord and
Tenant
(Ireland)
Act, 1870,
as to rules
to extend to
purposes of
Act.

15 The forms to be used for the purposes of this Act ;
The manner in which forms used for the purposes of this Act are to be served ;

The sittings of the standing umpire or standing umpires appointed under the authority of this Act ; and

20 As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into effect.

Landlord and Tenant (Ireland).

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To provide for the equitable Settlement
of Rent in certain cases of difference
between Landlords and Tenants in
Ireland, and to make better provision
as to Notices to Quit; and for other
purposes.

*(Prepared and brought in by
Mr. Stoker, Mr. King-Pearson, and
Mr. Lush.)*

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14 June 1874.

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Under T. 10.